

## 1. What is the Yonkers Emergency Rental Assistance Program and what help does it provide?

The City of Yonkers has received \$5,943,266.20 funding from The Department of the Treasury (Treasury) to establish a local Emergency Rental Assistance (ERA - 1) program as authorized by section 501 of Division N of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260 (Dec. 27, 2020) (the Act).

Yonkers Emergency Rental Assistance Program (Y-ERAP) is a temporary program developed to help eligible households residing in Yonkers address rental and utility arrears at their primary residence accumulated during the COVID-19 crisis. The program will provide assistance to low- and moderate-income tenants and will help landlords obtain rents due. Approved applicants may receive:

- Up to 12 months of **rental assistance** for rents accrued on or after March 13, 2020.
- **Prospective rents** can be paid Up to 3 months at a time, with recertification every 3 months to determine continued eligibility (12 months is maximum assistance) **rental assistance** maybe provided if the household is expected to spend 30 percent or more of their gross monthly income to pay for rent.
- Up to 12 months of electric or gas **utility payments** accrued on or after March 13, 2020.

Payments will be made directly to the landlord/property owner and utility company on behalf of the tenant. Tenants, landlords/property managers and utility companies will be notified of the amounts paid on their behalf.

## 2. Am I eligible for the Emergency Rental Assistance Program?

Tenants in Yonkers may be eligible for ERAP if all the following apply:

- Must be a City of Yonkers resident, i.e. their rental unit must be located within Yonkers' city limits;
- The household must be obligated to pay rent on a residential dwelling;
- On or after March 13, 2020, one or more individuals within the household has qualified for unemployment benefits or experienced a reduction in household income, incurred significant costs, or experienced other financial hardship due, directly or indirectly, to the COVID-19 outbreak;
- One or more individuals within the household can demonstrate a risk of experiencing homelessness or housing instability, which can be demonstrated by having rental arrears accrued after March 13, 2020;
- The household has a current annualized household income at or below **80%** of Westchester County's 2021 area median income; AND
- The rental assistance provided to an eligible household is not duplicative of any other federal, state or local rental assistance provided to such household.

**3. Do I need to have lawful immigration status to be eligible to receive rental assistance? No.**

Individuals do not need to have a lawful immigration status to qualify for the program.

**4. How will eligible ERAP households receive utility arrears relief?**

For households determined eligible for ERAP who also have gas and/or electric utility arrears, those arrears will be paid in one of three ways, depending on individual circumstances:

- A utility arrears payment made directly to your utility company funded through the Home Energy Assistance Program (HEAP), for those eligible for HEAP ([view HEAP eligibility information](#));
- Forgiveness of your utility arrears by your utility company; or
- A utility arrears payment made directly to your utility company funded through ERAP.

**5. Can I apply for utility arrears assistance only?**

Yes. An individual can apply for utility arrears assistance only. They must meet the eligibility requirements for Y-ERAP Program.

**6. For what time period is my household income counted to determine if I am eligible for ERAP assistance?**

Tenant applicants may choose to submit documentation indicating current monthly income or calendar year 2020 income.

- **Current Monthly Income** by providing documentation of prior month income through documents such as pay stubs, bank account deposit verification, unemployment insurance benefits letter, employment attestation or other documentation demonstrating monthly income.

**OR**

- **Annual 2020 Income** by documentation of 2020 income through documents such as a W-2 tax form from an employer, an annual statement of earnings, a copy of a completed income tax return such as a 1040, 1040EZ, 1099 tax form, or other evidence of 2020 annual income.

Self-attestation of income is permitted in certain circumstances where no documentation is available, such as certain self-employment.

**7. What income is included when determining my household income for ERAP?**

Income of all adults in the household 18 years of age or older is counted except earned income of full-time students who are eligible to be claimed as a dependent pursuant to IRS regulations.

Gross income is counted, rather than take-home pay. Gross income includes income before any deductions are made, including taxes.

Counted income includes wages, salaries, tips, unemployment insurance benefits, Social Security benefits, retirement benefits, child support, recurring gifts and other income.

The following are **not** counted as income: foster care payments, Public Assistance, Supplemental Nutrition Assistance Program (SNAP) benefits, Home Energy Assistance Program (HEAP) benefits, sporadic gifts, groceries provided by persons not living in the household, earned income tax credits and Federal stimulus payments.

Income must be documented through pay stubs, employer letters, self attestation or other documentation.

**8. Do I need to repay assistance provided through ERAP?**

No, eligible households are not required to repay rental or utility arrears assistance provided through Y-ERAP. The only instance that would require repayment would be if there is a determination that the application submitted was fraudulent and the application should not have been approved.

**9. If I received help through the previous COVID Rent Relief Program, but still need help, am I eligible for help through the Emergency Rental Assistance Program?**

Households that participated in the COVID Rent Relief Program but who still have past due rent that is unpaid may be eligible for additional help through Y-ERAP and are encouraged to apply.

**10. Am I eligible to receive Y-ERAP rental assistance if I currently have a Section 8 Housing Choice voucher or reside in public housing?**

Yes. Any household whose rent is limited to a percentage of household income may apply for assistance; their application will be assessed for eligibility after other prioritized applications have been considered. The impacted types of housing include tenants receiving a Section 8 Housing Choice voucher or those who reside in public housing or other housing situations where rent cannot be more than 30 percent of their income.

If such a tenant has lost income, the household should request an adjustment to their rental payment requirement. Households can contact their voucher administrator to request an Interim Recertification.

**11. Will ERAP help me pay overdue mortgage payments?**

No. ERAP is only available to pay rental assistance and/or utility assistance.

**12. Can my landlord apply for ERAP for me?**

Your landlord can contact our partner agencies but both the landlord and tenant must complete certain parts of the application.

Your landlord may help you complete the parts of the application, like how much rent arrears you owe.

Tenants must provide certain tenant-specific information such as income and must sign the application indicating agreement with certain information included in the application.

### **13. What documents will I need to submit to prove that I am eligible for ERAP?**

#### **Recipient Eligibility Documentation Requirements**

**Eligibility Requirement #1: Renter Status:** The household must be obligated to pay rent on a residential dwelling:

- Subcontractors must obtain, if available, a current lease, signed by the applicant and the landlord or sublessor that identifies the unit where the applicant resides and establishes the rental payment amount. If a household does not have a signed lease, documentation of residence must include at least two of the following items:
  - evidence of paying utilities for the residential unit,
  - court papers documenting renter status,
  - an attestation by a landlord who can be identified as the verified owner or management agent of the unit, and/or
  - a self-attestation by the tenant.
- In the absence of a signed lease, evidence of the amount of a rental payment may include:
  - bank statements, check stubs, or other documentation that reasonably establishes a pattern of paying rent,
  - a written attestation by a landlord who can be verified as the legitimate owner or management agent of the unit,
  - or other reasonable documentation as defined by the grantee in its policies and procedures. Locally approved methods of alternative documentation will be posted on Yonkers' ERAP website at <https://www.yonkersny.gov/work/departments-of-planning-development/development/community-development/emergency-rental-assistance-program>.

**Eligibility Requirement #2: Yonkers Residency:** The residential unit must be located within the Yonkers city limits, not just with a Yonkers post office address. Subcontractors should document the apartment's location by printing out a map showing the site and the nearest Yonkers city limits boundary from the following website: <https://gis.westchestergov.com/app/967c0e3f189a4864a47e2376067bcd9c>.

**Eligibility Requirement #3: COVID-19 Impact:** On or after March 13, 2020, one or more individuals within the household has qualified for unemployment benefits or experienced a reduction in household

income, incurred significant costs, or experienced other financial hardship due, directly or indirectly, to the COVID-19 outbreak.

Subcontractors must document that one or more members of the applicant's household either:

- i. qualified for unemployment benefits or
- ii. experienced a reduction in household income, incurred significant costs, or experienced other financial hardship due, directly or indirectly, to the COVID-19 outbreak.

If the subcontractor is relying on clause i. for this determination, the subcontractor is permitted to rely on either a written attestation signed by the applicant or other relevant documentation regarding the household member's qualification for unemployment benefits. If the subcontractor is relying on clause ii. for this determination, the Act requires the subcontractor to obtain a written attestation signed by the applicant that one or more members of the household meets this condition.

**Eligibility Requirement #4: Homelessness Risk/Housing Instability:** One or more individuals within the household can demonstrate a risk of experiencing homelessness or housing instability.

The Act requires that one or more individuals within the household can demonstrate a risk of experiencing homelessness or housing instability, which may include:

- i. a past due utility or rent notice or eviction notice for arrears accrued after March 13, 2020,
- ii. unsafe or unhealthy living conditions, as evidenced by a Housing Quality Standards (HQS) inspection, Building or Fire Department safety violation, or
- iii. any other evidence of risk, as determined and documented by the subcontractor.

**Eligibility Requirement #5: Household Income Below 80% AMI:** The household has a household income at or below **80%** of area median income:

- **Definition of Income:** With respect to each household applying for assistance, subcontractors may choose between using HUD's definition of "annual income" in 24 CFR 5.609<sup>1</sup> and using adjusted gross income as defined for purposes of reporting under Internal Revenue Service Form 1040 series for individual federal annual income tax purposes.
- **Methods for Income Determination:** The Act provides that subcontractors may determine income eligibility based on either (i) the household's total income for calendar year 2020, or (ii) sufficient confirmation of the household's monthly income at the time of application, as determined by the Secretary of the Treasury. If a subcontractor uses a household's monthly income to determine eligibility, the subcontractor should review the monthly income information provided at the time of application and extrapolate over a 12-month period to determine whether household income exceeds 80 percent of area median income. For example, if the applicant

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provides income information for two months, the subcontractor should multiply it by six to determine the annual amount. If a household qualifies based on monthly income, the subcontractor must redetermine the household income eligibility every three months for the duration of assistance.

- Documentation of Income Determination: Subcontractors must have a reasonable basis under the circumstances for determining income. Except as discussed below, this generally requires a written attestation from the applicant as to household income and also documentation available to the applicant to support the determination of income, such as paystubs, W-2s or other wage statements, tax filings, bank statements demonstrating regular income, or an attestation from an employer. As discussed below, under limited circumstances, a subcontractor may rely on a written attestation from the applicant without further documentation of household income. Grantees have discretion to provide waivers or exceptions to this documentation requirement to accommodate disabilities, extenuating circumstances related to the pandemic, or a lack of technological access. In these cases, the subcontractor is still responsible for making the required determination regarding the applicant's household income and documenting that determination.
  - Categorical Eligibility: If an applicant's household income has been verified to be at or below 80 percent of the area median income in connection with another local, state, or federal government assistance program (including but not limited to Section 8 or SNAP), subcontractors are permitted to rely on a determination letter from the government agency that verified the applicant's household income, provided that the determination for such program was made on or after January 1, 2020.
  - Written Attestation Without Further Documentation: To the extent that a household's income, or a portion thereof, is not verifiable due to the impact of COVID-19 (for example, because a place of employment has closed) or has been received in cash, or if the household has no qualifying income, subcontractors may accept a written attestation from the applicant regarding household income. If such a written attestation without further documentation is relied on, the subcontractor must reassess household income for such household every three months. In appropriate cases, subcontractors may rely on an attestation from a caseworker or other professional with knowledge of a household's circumstances to certify that an applicant's household income qualifies for assistance.
  - Definition of Area Median Income: The area median income for a household is the same as the income limits for families published in accordance with 42 U.S.C. 1437a(b)(2), available under the heading for "Access Individual Income Limits Areas" at <https://www.huduser.gov/portal/datasets/il.html>.<sup>2</sup>
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**FY2021 Income Limits for Westchester County, NY Statutory Exception Area**

Household Size	1	2	3	4	5	6	7	8
80% AMI	\$63,400	\$72,450	\$81,500	\$90,550	\$97,800	\$105,050	\$112,300	\$119,550
50% AMI	\$44,650	\$51,000	\$57,400	\$63,750	\$68,850	\$73,950	\$79,050	\$84,150

**Eligibility Requirement #6: Non-Duplication of Benefits:** Subcontractors must document 4 aspects to prove compliance with this eligibility requirement.

- A. Other Federal housing subsidies: An eligible household that occupies a federally subsidized residential or mixed-use property may receive ERA assistance, provided that ERA funds are not applied to costs that have been or will be reimbursed under any other federal assistance. If an eligible household receives a monthly federal subsidy (e.g., a Housing Choice Voucher, Public Housing, or Project-Based Rental Assistance) and the tenant rent is eligible to be adjusted according to changes in income, the renter household may receive ERA assistance only for the tenant-owned portion of rent or utilities that is not subsidized.
  - B. WCDSS Emergency Assistance: An applicant household is presumed to be eligible for WCDSS Emergency Assistance unless one of the following criteria is met:
    - i. The household is not eligible for WCDSS Emergency Assistance due to excess income (above 200% of federal poverty level for families with children or above 125% of federal poverty level for non-family households), WCDSS sanction, or citizenship status; OR
    - ii. The household owes more than 6 months of rent arrears; OR
    - iii. The household needs future rent subsidies in order to pay their rent without exceeding 30% of their total current household income.
  - C. Other Local Emergency Assistance: Subcontractors must check Westchester's Homeless Management Information System to see if any other local sources have paid rent arrears for the same months being requested from Yonkers' ERA Program.
  - D. Applicant Attestation: Each complete application must include a signed attestation from the applicant head of household affirming that the ERA assistance requested does not duplicate any other federal, state or local assistance received for the same costs.
- **Personal identification** for all household members. Acceptable forms of identification include: A photo ID, driver license or non-driver government issued ID, passport, EBT/Benefits Issuance Card, birth or baptismal certificate, school registration.
  - **Social Security number** of any household members who have been issued one. Individuals do not need to have a lawful immigration status to qualify for the program.

- **Proof of rental amount**, signed lease, even if expired. If no lease is available then proof can be shown through a rent receipt, canceled check or money order. If no documentation is available, landlord attestation will be accepted.
- **Proof of residency and occupancy** – Signed lease, rent receipt, utility bill, school records, bank statement, postal mail with name of applicant, insurance bill, driver license. Proof should be current.
- **Proof of income to document income eligibility:**
  - **Documents demonstrating monthly income** for the prior month, such as pay stubs, bank account deposit verification, unemployment benefits letter, or other proof;

**OR**

- **Documents demonstrating annual income for 2020**, such as a W-2 tax form from an employer, an annual statement of earnings, a copy of completed income tax return, such as 1040, 1040EZ, 1099 tax form or other evidence of 2020 annual income.
- Self-attestation of income is permitted in certain circumstances where no documentation is available such as certain self-employment.
- **Copy of gas or electric utility bill**, if applying for help paying for utility arrears at the same rental unit.

Applicants will be asked to attest that on or after March 13, 2020, a member of the household received unemployment benefits **or** experienced a reduction in household income, incurred significant costs or experienced other financial hardship, directly or indirectly, due to the COVID-19 pandemic. The applicant will need to sign the application form and associated certifications agreeing that the information provided in the application is accurate.

Landlords must provide information on the amount of rent due and amount that remains unpaid by the tenant. Landlords also must provide banking information to receive payment.

**14. If I do not have a lease, but I am a month-to-month tenant, am I still eligible to receive ERAP assistance?**

Households that do not have a lease will be required to provide other proof of a rental obligation, such as a landlord statement, canceled check or proof of electronic payment. Landlords will also be asked to provide the most recent lease and provide other proof that the individual is a tenant.

**15. Will help through ERAP-1 be provided on a first-come, first-served basis?**

In ERAP-1, 51% of the funds will be given to households in the following order: a prioritization of assistance for households:

1. with incomes less than 50% of area median income or



2. households with one or more individuals that have not been employed for the 90-day period preceding the date of application.

Yonkers will implement this requirement by ensuring that of ERA-1 funds **at least 51%** of the total rental assistance provided will be available to households in these priority groups. Yonkers ERA subcontractors will be required to report monthly on the amount of rental assistance committed to priority households and to non-priority households. Once the total committed by Yonkers' subcontractors to non-priority households approaches **\$2,607,951**, Yonkers will stop approving ERA applications from households who do not qualify as part of one or more of these two priority groups.

#### **16. How can I help ensure the efficient processing of my application?**

Providing a complete application with all required documentation from the tenant and landlord will speed the processing of the application.

Tenants and landlords may work jointly to complete an application.

#### **17. Assistance for Tenants not Eligible for ERAP**

##### **What if I am denied help through ERAP? How can I get help?**

Households who are ineligible for ERAP may seek assistance through:

- Their [local department of social services office](#).
- The United Way Helpline, which has access to various local services throughout the state. They can be reached by phone by dialing 211.
- [Cluster](#)
- [The Bridge Fund](#)
- [Westchester Residential Opportunities](#)
- [Catholic Charities](#)
- [Westhab](#)

#### **Landlord / Property Owner Considerations**

##### **18. As a landlord, can I apply on behalf of my tenant?**

Landlords must partner with tenants and partner agencies to assist the tenant in submitting a completed application.

##### **19. What documentation is a landlord expected to provide?**

- Completed **W-9 tax form**.

- Executed **lease** with tenant applicant, or if no written lease, a cancelled check, evidence of funds transfer or other documentation of last full monthly rent payment.
- **Documentation of rent due** from tenant (e.g. ledger, etc.) or attestation on application.

The property owner or authorized property management company will be required to sign the application form and associated certifications agreeing that the information provided, including the amount of rental arrears owed, is accurate and does not duplicate a payment received from another program.

**20. Are there any terms and conditions a landlord must accept if they choose to receive help with overdue rental costs through ERAP?**

Yes. The primary goal of ERAP is to prevent residents from being evicted and to support housing stability for tenants adversely impacted by the negative economic consequences of COVID-19. The program is also a vital form of necessary relief for landlords adversely impacted by tenants who have been unable to meet rent obligations due to the negative economic consequences of COVID-19.

Property owners or authorized property management company will need to provide the following documents before they receive payment of rent arrears from Yonkers' ERAP:

- Completed **W-9 tax form**.
- **Executed lease** with tenant applicant, or if there is no written lease, a cancelled check, evidence of funds transfer or other documentation of the last full monthly rent payment, and
- **Documentation of rent due** from tenant (e.g. ledger, etc.) or attestation on application.

The property owner or an authorized property management company will be required to sign the application form and associated certifications agreeing that the information provided, including the amount of rental arrears owed, is accurate and does not duplicate a payment received from another program.

The property owner or authorized property management company must also agree to the following terms as a condition of accepting rental arrears payments:

- 1) Submission of an accurate and up-to-date ledger/record of tenant rental arrears (amount of rent and months in which unpaid rent is owed) inclusive of all tenant debts including associated fees and late charges.
- 2) The landlord or authorized property manager attests that all information provided is accurate, including the amount of rental arrears owed and does not duplicate a payment received from another program for the arrears as stated. The payment(s) received satisfy the tenant's full rental obligations for the time-period covered and the landlord agrees and acknowledges once the program has paid, the tenant's rent balance is zero through the final month covered.
- 3) The property owner or authorized property management company agrees that they will not pursue recovery of any late fees, charges, penalties or attorneys' fees for any period for which arrears assistance has been covered by the ERAP payment.

- 4) The property owner or authorized property management company agrees to not increase the monthly rent retroactively for the time-period covered by provider agency payment(s) and agrees to not raise the monthly rent for one year post provider agency payment. \*\*This clause does not apply to income-based housing.
- 5) Upon notification of an award of assistance through this Program, the property owner or authorized property management company agrees that it will not pursue eviction based on non-payment of, nor seek a monetary judgment for, any amounts due and owing that accrued for the period of arrears listed on the Notice of ERA Eligibility Determination.
- 6) By applying for assistance through this Program, the property owner or authorized property management company agrees that it will not pursue eviction based on non-payment of rents while the ERA application is pending and through any appeal or review process, even if the rental unit is a holdover or the lease has expired.
- 7) Upon indicating its acceptance of payment of rent owed through this Program, the property owner or authorized property management company agrees not to evict based on the sole reason of expired lease or holdover tenancy any household on behalf of whom rental assistance is received for 12 months after the first rental assistance payment is received. This does not limit landlord's ability to evict tenants for nuisance behavior or safety issues.

#### **Tenant Protections**

##### **21. If I receive help through ERAP, can my landlord still evict me?**

The property owner or authorized property management company must agree to the following terms as a condition of accepting rental arrears payments:

- The ERAP payment satisfies the tenant's full rental obligations for the time period covered by the payment.
- Waive any late fees due on any rental arrears covered by the ERAP payment.
- Not increase the monthly rental amount above the monthly amount due at the time of application for ERAP assistance for months for which rental assistance is received and for one year from receipt of the ERAP payment.
- Not evict the household on behalf of whom the ERAP payment is made for reason of expired lease or holdover tenancy for one year from receipt of the ERAP payment. This does not limit landlord's ability to evict tenants for nuisance behavior or safety issues.